

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COMMUNICATIONS WORKERS OF AMERICA)	
AND LOCAL 463, INTERNATIONAL)	
BROTHERHOOD OF ELECTRICAL WORKERS)	
)	
COMPLAINANTS)	CASE NO.
)	2003-00190
V.)	
)	
KENTUCKY ALLTEL, INC.)	
)	
DEFENDANT)	

O R D E R

On February 13, 2002, the Commission approved the acquisition of certain assets of Verizon South, Inc. ("Verizon") by Kentucky ALLTEL, Inc. ("ALLTEL") on several conditions, including one that ALLTEL "honor the collective bargaining agreements and all memoranda of understanding between Verizon and its employees."¹ On May 29, 2003, the Communications Workers of America, AFL-CIO and Local 463 of the International Brotherhood of Electrical Workers (collectively "Complainants") filed a formal complaint alleging ALLTEL's non-compliance with the Commission's February 13, 2002 Order.

¹ Case No. 2001-00399, Petition By ALLTEL Corporation to Acquire Kentucky Assets of Verizon South, Incorporated, February 13, 2002 Order at 20.

On March 20, 2003, the Commission found that it had jurisdiction over this complaint. KRS 278.040 grants the Commission exclusive jurisdiction over the regulation of utility rates and service, and KRS 278.990 subjects to civil and criminal penalties any utility officer, agent, or employee who violates a Commission Order. In its August 20, 2003 Order, the Commission determined that “[t]o the extent that the continuity of a stable work force is important to the quality of service rendered by a utility, the Commission had the statutory authority to condition its approval of the Verizon-ALLTEL transfer upon ALLTEL’s commitment to existing labor agreements.” The Commission then held that the seven violations of the labor agreements alleged by Complainants, if true, would impact the quality of service rendered to Kentucky customers.

Both parties filed status reports on September 19, 2003. The Complainants alleged that the violations were continuing and should be addressed by the Commission. ALLTEL, on the other hand, asserted that the complaint should be dismissed. Many months have passed since this Commission has received any information from the Complainants or from ALLTEL regarding this matter.

IT IS THEREFORE ORDERED that parties have 10 days from the date of this Order to demonstrate why this case should remain on the Commission’s active docket. If no such request is received within 10 days of the date of this Order, this case will be closed and removed from the Commission’s docket without further Order of the Commission.

Done at Frankfort, Kentucky, this 4th day of May, 2004.

By the Commission

ATTEST:


Executive Director